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Proposed Claims for 09/382,794

(Our Ref. 44146/275946)

BRAND
NO
DIA
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SCOPE

34. (New) A drug delivery device, comprising:
a substantially hollow, rigid container, said container being sized and adapted for insertion into a tissue or organ *in vivo* to within about 1 millimeter of a desired position within the tissue or organ, said container including
one or more openings therein, said openings being sized and arranged to provide for the controlled diffusion of a therapeutic agent out of said container, the therapeutic agent comprising a nucleic acid sequence, protein, or polypeptide.

35. (New) The drug delivery device of claim 34, wherein said container is formed of a metal.

36. (New) The drug delivery device of claim 34, wherein said container is formed of a biocompatible plastic.

37. (New) The drug delivery device of claim 34, wherein said openings are round holes.

38. (New) The drug delivery device of claim 34, wherein said openings have a shape selected from the group consisting of rectangular, square, spherical and oblong.

39. (New) The drug delivery device of claim 37, wherein said container is substantially cylindrical in shape.

40. (New) The drug delivery device of claim 39, wherein said openings are provided at respective ends of said cylindrical container.

41. (New) The drug delivery device of claim 40, wherein said container has a length in the range of 0.002 to 3 inches, a diameter in the range of 0.004 to 4 inches, and a wall thickness in the range of 0.0005 to 0.5 inches.

42. (New) The drug delivery device of claim 41, wherein said round holes have an average diameter in the range of 0.002 to 0.2 inches.

43. (New) The drug delivery device of claim 34, wherein said container has an elongate shape with a varying width.

44. (New) The drug delivery device of claim 34, said container further comprising a degradable coating provided on at least a portion of an exterior surface thereof, said coating being adapted to prevent controlled diffusion of the therapeutic agent until said container is in the desired position within the tissue or organ.

45. (New) The drug delivery device of claim 44, wherein said degradable coating is comprised of a polymer or combination of polymers selected from the group consisting of polydextran, polyvinylpyrrolidone, and poly(bis(p-carboxyphenoxy)-propane).

46. (New) The drug delivery device of claim 44, wherein said degradable coating is comprised of a biopolymer.

47. (New) The drug delivery device of claim 46, wherein said biopolymer is selected from the group consisting of gelatin, human serum albumin, and cellulose.

48. (New) A drug delivery system, comprising:
a substantially hollow, rigid container, said container being sized for insertion into a tissue or organ in vivo to within about 1 millimeter of a desired position within the tissue or organ, said container including

one or more openings therein, said openings being sized and arranged to provide for the controlled diffusion of a therapeutic agent out of said container, the therapeutic agent comprising a nucleic acid sequence, protein, or polypeptide; and
a storage cartridge having one or more compartments, each of said one or more compartments being constructed and arranged to house one or more of said containers, said storage cartridge being capable of withstanding freezing to a temperature of about -70°C.

New
Kit?

Support?

49. (New) The drug delivery system of claim 48, wherein said storage cartridge comprises a metal block.

50. (New) The drug delivery system of claim 49, wherein said storage cartridge comprises a rectangular metal block.

51. (New) The drug delivery system of claim 49, wherein each of said one or more compartments is a hole in said metal block.

52. (New) The drug delivery system of claim 48, wherein said container is formed of a metal.

53. (New) The drug delivery system of claim 48, wherein said container is formed of a biocompatible plastic.

54. (New) The drug delivery system of claim 48, wherein said openings are round holes.

55. (New) The drug delivery system of claim 48, wherein said openings have a shape selected from the group consisting of rectangular, square, spherical and oblong.

56. (New) The drug delivery system of claim 54, wherein said container is substantially cylindrical in shape.

57. (New) The drug delivery system of claim 56, wherein said openings are provided at respective ends of said cylindrical container.

58. (New) The drug delivery system of claim 57, wherein said container has a length in the range of 0.002 to 3 inches, a diameter in the range of 0.004 to 4 inches, and a wall thickness in the range of 0.0005 to 0.5 inches.

59. (New) The drug delivery system of claim 58, wherein said round holes have an average diameter in the range of 0.002 to 0.2 inches.

60. (New) The drug delivery system of claim 48, wherein said container has an elongate shape with a varying width.

61. (New) The drug delivery system of claim 48, said container further comprising a degradable coating provided on at least a portion of an exterior surface thereof, said coating being adapted to prevent controlled diffusion of the therapeutic agent until said container is in the desired position within the tissue or organ.

62. (New) The drug delivery system of claim 61, wherein said degradable coating is comprised of a polymer or combination of polymers selected from the group consisting of polydextran, polyvinylpyrrolidone, and poly(bis(p-carboxyphenoxy)-propane).

63. (New) The drug delivery system of claim 61, wherein said degradable coating is comprised of a biopolymer.

64. (New) The drug delivery system of claim 63, wherein said biopolymer is selected from the group consisting of gelatin, human serum albumin, and cellulose.